

IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF DELAWARE

H. LUNDBECK A/S, TAKEDA)	
PHARMACEUTICAL COMPANY LTD.,)	
TAKEDA PHARMACEUTICALS U.S.A.,)	
INC., TAKEDA PHARMACEUTICALS)	
INTERNATIONAL AG and TAKEDA)	
PHARMACEUTICALS AMERICA, INC.,)	
)	
Plaintiffs,)	
)	C.A. No. 18-88 (LPS) (JLH)
v.)	CONSOLIDATED
)	
APOTEX INC., et al.,)	REDACTED - PUBLIC VERSION
)	
Defendants.)	

**JOINT MOTION FOR TELECONFERENCE
 TO RESOLVE DISCOVERY DISPUTE**

Pursuant to the procedures in Paragraph 8(m) of the Scheduling Order (D.I. 31), Plaintiffs respectfully move this Court to schedule a teleconference to address an outstanding dispute regarding the following discovery matter:

- Plaintiffs request a Protective Order pursuant to Fed. R. Civ. P. 26(c) and D. Del. LR 30.2 to prevent defendants Sandoz Inc. and Lek Pharmaceuticals d.d. (collectively, “Sandoz”), from taking or participating in the depositions of Dr. Fabia Gozzo and Dr. Allan Myerson¹ [REDACTED]
- Sandoz disputes whether [REDACTED]
- Whether Del. L. R. 30.6 precludes Plaintiffs from consulting or conferring with Dr. Gozzo about the substance of her testimony between September 3, 2020, when she will be deposed by Defendants MSN and Torrent, and when Sandoz completes its own questioning of Dr. Gozzo at some future date.

¹ Dr. Gozzo is presently scheduled to be deposed later this week, on September 3 and 4, by Defendants MSN, Torrent, and Sandoz. Plaintiffs have advised Sandoz that they will not permit Sandoz to question Dr. Gozzo on September 3 or 4, but they intend for the deposition to proceed as to MSN and Torrent. Dr. Myerson’s deposition was originally scheduled for August 24-28, but was canceled and has not yet been rescheduled.

The following attorneys, including at least one Delaware Counsel and at least one Lead Counsel, participated in a verbal meet-and-confer by telephone on the following date(s):
August 31, 2020

For Plaintiffs:

Delaware Counsel: Megan Dellinger of Morris, Nichols, Arsht & Tunnell LLP

Lead Counsel: Brianne Bharkhda and Thomas Sullivan of Covington & Burling LLP

For Defendants Sandoz Inc. and Lek Pharmaceuticals d.d.:

Delaware Counsel: Dominick Gattuso of Heyman, Enerio, Gattuso & Hirzel LLP

Lead Counsel: Laura Lydigsen and Jason Schigelone of Brinks, Gilson & Lione

The parties are available for a teleconference on the following dates:

- Friday, September 18;
- Monday, September 21; or
- Friday, September 25.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ Megan E. Dellinger

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